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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,941	08/13/2004	James A. Ruse	71486-0077	7940
20915	7590	09/21/2006	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			SHAHER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,941	<b>Applicant(s)</b> RUSE ET AL	
	<b>Examiner</b> Ricky D. Shafer	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 23-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 7-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/13/04 &amp; 11/15/04</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicant's election with traverse of species "A", the reinforcing element depicted by element 30, in reply filed on 08/24/2006 is acknowledged. The traversal is on the ground(s) that the species share some common concept and the search required for this shared concept would not appear to be any undue burden. This is not found persuasive because the restriction requirement mailed on 07/28/2006 is based on the claimed structural differences between the species and not on their similarities. Continued search and examination of claim(s) to a non-elected species having substantially different structural limitations is a prima facie showing of burden. Applicant may overcome the requirement for restriction by presenting an allowable linking claim or by providing a clear admission on the record that the claim(s) drawn to a given non-elected species is not patentably distinct from the elected species.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoek ('586).

Hoek discloses an exterior vehicle mirror system comprising a base (16) having a mounting portion (72) for mounting the mirror system to a vehicle, a reflective element assembly (14, 38) for providing an operator of the vehicle with a rearward view; a connection (64,68) pivotally mounting the reflective element assembly to the base; and a reinforcing element (94)

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aligned with the connection to distribute at least one of stresses and forces imposed on the vehicle mirror system to the base along a stress path to enhance the strength of the connection, wherein the reinforcing element is made of a material having a higher strength-to-weight ratio than the material comprising at least one of the base and the reflective element (see column 5, line 57 to column 6, line 50), wherein the reinforcing element surrounds at least a portion of the connection (see figures 4 and 5), wherein the reinforcing element further comprises a surface (94a), and the surface is in abutment with the base to resist deflection of the base due to forces imposed on the reflective element assembly, wherein the reinforcing element comprises a first reinforcing element (62) associated with the base and a second reinforcing element (94) associated with the reflective element assembly, and wherein the first reinforcing element is vertically spaced from the second reinforcing element. Note figures 2-5 along with the associated description thereof.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al ('191).

Lang et al discloses an exterior vehicle mirror system comprising a base (16) having a mounting portion (22) for mounting the mirror system to a vehicle, a reflective element assembly (4, 8, 8a) for providing an operator of the vehicle with a rearward view; a connection (46,48) pivotally mounting the reflective element assembly to the base; and a reinforcing element (44) aligned with the connection to distribute at least one of stresses and forces imposed on the vehicle mirror system to the base along a stress path to enhance the strength of the connection, wherein the reinforcing element is integrally molded with at least one of the base and the

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reflective element assembly in cooperative relationship with the connection. Note figures 2-5 along with the associated description thereof.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoek ('586).

Hoek ('586) discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the reinforcing element is integrally molded with at least one of the base and the reflective element assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally mold the reinforcing element of Hoek with at least one of the base and the reflective element assembly to reduce manufacturing costs, since it has been held that forming in one piece an article which was formerly been formed in two pieces and put together involves only routine skill in the art. Note: Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

7. Claims 1-22 are objected to because of the following informalities:

In claim 1, lines 9-10, the language "the base bracket" should be changed to read --the base--. Appropriate correction is required.

8. Claims 7-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

September 16, 2006

  
RICKY D. SHAFER  
PATENT EXAMINER  
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